

Mr. DOUGLAS. Mr. President, I propose to reply to some

And, first, I have to remark that this question is not a novel one. It has been a thousand times decided—judicially decided. For, ever since the admission of Tennessee into the Union in 1796, the Government of the United States has been disposing of the lands within the limits of the State thus admitted, giving deeds to the purchasers, and those purchasers have been prosecuting suits in our courts by which they enforce their title. Each and every case of ejectment,

and State Government and to come into the Union on an equal footing with the original States, is precisely the same. The sixth section, tendering propositions for "free acceptance or rejection," is the same, with the exception that it does not give the State four sections of land for the "governments of the United States," but only one section. That the foregoing propositions herein offered are on the "conditions" that the State will agree by compact, "that every such and each tract of land sold by the United States" shall remain exempt from taxation "for the term of five years from and after the day of sale," and that it shall contain "the further condition that the bona fide lands granted for military purposes by the act of March 3, 1812, while they continue to be held by the patentees, should not be taxed for three years after the issuing the patents; and that it shall further condition that the lands of non-resident citizens of the United States should not be taxed higher than the lands of resident citizens of Illinois ascertained to these three conditions, and in consequence of the same, the State should be authorized and in consequence thereof be empowered to accept donations provided for mentioned in the propositions." But there was no compact or stipulation in regard to the title to the public lands, or the right of the State to tax them. It will now invite the attention of the Senate to the South-western land grant, which was admitted into the Union prior to 1820. In these we will find the same conditions, and calculated to mislead the casual observer, unless critically noted. And among them the first and most peculiar case we

the moment a State was admitted into the Union upon an equal footing with the original States, it had a right to seize upon all the public lands within its limits, and convert them to its own use. They were too simple-minded to suppose that, there was any difference, in a moral or legal point of view between laying violent hands upon the property of the

without attempting to fasten upon the people of California the odium of an intended fraud upon Congress. But since that Senator has brought that ordinance into this debate, I have some use which I desire to make of it. That ordinance refutes the last half of his argument. He attempted to

mit is a mere tenant at will, and liable to be ejected at any time by notice. That, sir, is the way in which I read that decree. Philip II. had a right to abrogate it the very next day after it was made, if he chose to do so; and I doubt not that it has been modified time and again since its promulga-

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